

Admo cum sit id ac semper inter
Tho: Holbeck? 70
Mercy & Judgment.

Cam. d. 678. 3

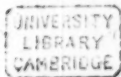
A
SERMON,

Preached at the Assises held at

L I N C O L N E;

July 15. 1678.

By *Humfrey Babington*, D. D. Rector of
Boothby-Painel in the County of
L I N C O L N E.



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To the Worshipfull

THOMAS HARRINGTON

High Sheriff of the County of

Imprimatur.

Thomas Holbech Procan.

John North.

James Duport.

Richard Minshull.

13-209

To the Worshipfull
THOMAS HARINGTON
of Boothby-Painel Esq;
High SHERIFF of the County of
L I N C O L N E.

S I R,



HIS Sermon, which at first was the meer product of your earnest desires, and then (for the greatest part of it,) the subject of your favourable and candid attention at Lincolne; is now by your more earnest importunity, seconded with the powerfull request of the Honourable and Reverend Judges; (though not without some timorous, and reasonable reluctancy) presented to your hand. When the Prophet Elijah was taken up into Heaven, there was a double portion of his Spirit conferred upon Elisha, who succeeded him in his Prophetical Of-

A 3

fice.

fice. Had some such (though much inferior) measure of the Learning, Piety, and Spirit of that Right Reverend Father in God, Robert, late Lord-Bishop of Lincolne, been imparted to me, who, by his undeserved favour and choice, had the honour to succeed him (when he was taken up into an higher Orb of the Church, and too soon after, from us, into Heaven) in his care and charge at Boothby-Painel; I should then with more chearfulness and alacrity, have presumed to publish this discourse; hoping it might find, a little of that acceptance and approbation; which his most excellent Sermons, have justly merited amongst the best of those, that have, for some years past, honoured and enriched our English Nation. But indeed, Sir, I am as far short of him in those his real excellencies, as I am, in time and stature. A very stripling, and puny, to that Man of Parts and Learning. He left me his Rectory,
but

but not his Spirit, either of Teaching, or Ruling: And though I have his Table, Stool, and Candlestick, yet if I thought my self, one jot the more learned for them; I should be no wiser than he was, who (as Lucian reports) that he might be taken for an eminent Philosopher, bought the Earthen Lamp of Epictetus, at no less rate or price than three hundred drachma's. I must therefore acknowledge, I am as unworthy to write after him, as I was to succeed him; and beg your belief, that the great reverence I have for his Name and Memory, and those many obliging encouragements, he vouchsafed me, whilst he lived; have made me more unwilling to appear in public; least I should derogate any thing, from that name and honour, he hath appropriated to Boothby-Paine: Where you have an undoubted right, to succeed in the possessions and patronage, of your honoured Father, and that worshipfull and excellent Person, Thomas
Harington

Harington Esquire, your Religious Grandfather; as being the true Heir, not only of his Inheritance, but (which is far better) of his Pious conformity and Loyalty. To him Doctor Sanderfon dedicated some of his Sermons, and was most affectionately esteemed, by him, for them. What protection and favour he vouchsafed to the Right Reverend my Predecessor; I have good hopes you will not deny to his humble successor, and that which he doth now present unto you; especially since both are your own, by a double right or obligation, of desire and service. Not to detain you any longer with this mean address. May the God of Grace and Mercy, replenish both your self and your truly Pious and Virtuous Consort; with all spiritual and temporal blessings in this life; and Crown you with those which are eternal in the life to come, is the earnest and daily prayer of,

Trin. Coll.
Sept. 17.
1678.

Sr, Your most faithful and obliged Oratour,

Hunfrey Babington.

Mercy & Judgment.

PSAL. CI. I.

*I will sing of Mercy and Judgment, unto thee,
O Lord will I sing.*



THIS Psalm presents you with a remarkable example, and pattern of a most excellent Heroical King and Governour. God had advanced his servant David from *the sheepfold to the Throne*; changed his Crook into a Scepter; and he who before was but *Ποιμὴν οвецъ*, a shepherd, or feeder of sheep; was made *Ποιμὴν λαῶν*, a feeder, or Ruler of his people. The same word signifies both.

He being thus highly exalted, makes it his business, faithfully and wisely to exercise that power, which God had entrusted him with, for the glory of his great Name; the peace and happiness of the Jewish State and Nation; and here we have a short, but an exact essay, or commentary, of his good Rule and Government.

Now since he cannot well rule another, who is not Master of himself, nor Govern a City or Kingdom, who cannot order his own Family; King David shews us how skilful and well exercised he was in all these.

B

For

Mercy and Judgment.

For here we have first his Ethics or Morals, as to himself.

Secondly, his Oeconomics, as to his Family.

Thirdly, his Politics, as to his Kingdom.

Lastly, his singular piety, as that which compleats, perfects, succeeds, and blesteth each of them.

I.

First, As to himself, he is careful that his behaviour be discreet and blameless, well knowing that God would come to visit him, *i. e.* to defend and assist him, if he did well; but to judge and punish him if he did wickedly. *When thou shalt come unto me, I will walk in my house with a perfect heart.*

Verf. 2.

Verf. 3.

He will set no wicked thing, or word of Belial before his eyes; that is, he will not do, nor speak, nor so much as behold, any thing that is sinful or profane.

He also hates *the doing of them who turn aside*, that is, of such who either are Apostates, and turn aside from the service and worship of the true God, to Idolatry; or else, of such who decline from the rules of *Mercy and Judgment*, how plausible soever their pretences be.

2.

Then secondly as to his Family or Household; He who hath a wicked pernicious head; a froward or crooked heart; a false, slanderous, detracting, *a three forked tongue*; a proud and lofty look; a light-fingered, pilfering, deceitfull hand; such an one he will either cast out, or cut off from it.

a Chald.

*לשון תליתית
Lingua tertio.*

3.

Thirdly, Having thus settled, and well disposed all things within doors, he then looks abroad, visits and reforms his greater Family the Kingdom; that so it might be happy under his Government.

Verf. 6.

His eyes are upon the faithful of the land, that they may dwell with him. He who walks in a perfect way shall serve him. And surely such were most fit and likely to do him the best service. These he loves, honours, defends, and prefers to the highest places of business and trust under him. But as for the wicked of the land, those he will destroy early,

early, **בבקר** in the mornings; which may either relate,

First, To the time when the Jews were wont to sit in *Judgment*, and that was commonly in the morning; the *Jer. 21. 12.* fittest season for a business of such concern and moment: or,

Secondly, To the sentence of the Judge, which should proceed from proofs and testimonies, as clear as the day or morning light: or, *R.M. Nachm. Gcm. San. ידית מן היום*

Lastly, To the speedy, and sudden execution of their Malefactours, which was, for the most part, presently after the sentence of judgment, or condemnation was passed upon them.

Fourthly, As for King David's piety, that breaths in every verse of this *Psalms*; that actuates and informs every part of his Government, whether at home or abroad, the holiness and peace of his Family and people, was his chiefest care and design. Indeed piety is the best policy; the great preserver, and surest prop of all Governments; without which, Policy will, at last, prove but dangerous craft; and power, degenerate into barbarous cruelty.

4.

It was reported to the commendation of *Themistocles*, that though he could not tune an instrument, yet he could well tune a Common-wealth. Of how much greater commendation must good King David be accounted worthy, who was so excellent at both? For having tuned the Common-wealth of Israel: He then tunes his Harp, and plays or descants the harmony of his Government upon it. **חסד ומשפט אשירה** I will sing of Mercy

and Judgment, viz. of that Mercy and Judgment, with which he Governed his people. Indeed the *Chaldee* paraphrase gives us another exposition of this verse, as though the *Psalmist* had meditated, or sung, of God's Mercy and Judgment towards himself: It speaks thus, ^a Whether

thou deal'st Mercifully with me, or dost Judgment with me, for all, I will sing a Psalm of praise before thee, O Lord.

*אין חסד
אין נסל עמי
אין דין אית
עבר עמי.
Targ. &c.*

Mercy and Judgment.

But this reading seems to be contrary to the scope of the *Psalm*; and therefore is not followed, by many or the most Learned Commentators, whether Jews or Christians, I have yet met with, who take this *Psalm*, to be a song, or Meditation of holy *David's* care and piety in Governing himself, his Family, and Kingdom, by enacting good Laws, and distributing rewards and punishments, with such impartial Justice, that holiness and virtue might be encouraged and advanced: but wickedness and vice, chastised and suppressed.

Before the use of Letters was found out, the ancient *Greeks* were wont to sing their Laws; which therefore ^a *Arist. Prob. Selt. 19. Quast. 28.* were called ^a *Νόμοι*, as signifying both Laws and songs. So did the *Bards* and *Druids*, who were an ancient Order of Priests and Poets in this Nation. The Philosopher gives us the reason of this use or custom *ὅπως μὴ ἐπιλανθάνω- ται, that men might not forget them.*

Νόμων. Suct. Nero. c. 20.

Indeed Music and Song, are a most sweet and effectual way, of conveying to the minds and memories of men, what they should both understand, and practise. How often doth the Royal *Psalmist*, sing of the divine Laws of God, in holy numbers; that they might be had in remembrance? How often doth his sweet, and harmonious notes, charm and compose the wild affections of sinfull men; and soften their hard and stubborn hearts, to a willing submission unto those Laws.

Psal. 20. 7. 22. 27. 31. 97. 12. 78. 7. 35. 105. 5. Psal. 106. 7.

With such Music, or with such a Song of *Mercy and Judgment* as this, (it may well be supposed) he had before quieted the distemper of King *Saul*; and dispossessed him of his evil spirit: a spirit (as all such wicked ones are) full of presumption, and despair. *Judgment*, was fit to allay presumption; and *Mercy* to drive away despair. *I will sing of Mercy and Judgment.*

This

Mercy and Judgment.

This song consists of two parts, the highest or Cantus ; and the lowest or Bassus.

Mercy is the highest part, for it reacheth, or riseth, as high as heaven it self. קול רממה דקור *A small soft* 1 King. 19.
voice, like to that by which God manifested himself to the
Prophet *Elijah*. 12.
φωνή αὐγασ
λαμπής, Sept.

Judgment is the lowest part, for it is תהום רבה *a* psal. 36. 6.
great deep ; reaching as low as hell ; and making a deep
solemn sound, like the Angels last Trumpet. *David* most
skilfully accords these two together, and so makes perfect
harmony.

Had he sung only of *Mercy*, though the ditty might have
been very sweet and pleasant, yet it would not have been
full, and perfect.

Or had he sung of *Judgment* alone, the ground (though
solemn and grave) would have been but harsh and dolefull :
Mercy flattens, and softens *Judgment* ; and *Judgment*, excites,
and sharpens *Mercy*. These sharps and flats make the best
music, the excellent composition of both which in the
Text will be well worth your attention.

Mercy, and *Judgment* ; are the harmony of the Uni-
verses ; the two Poles upon which the world turns ; and
those musical spheres, which tune and time the praises of
the Almighty Creator, who made all things ^a in number ^a Wild. 11.
weight and measure ; the three well known proportions of
order, pulchritude and harmony. 20.

Mercy and *Judgment*, are the brightest constellations in
the firmament of dominion and Government ; The stability
and strength of *David's* Person and Throne. ^b The *Pe-* King. 1. 44.
2 Sam. 8. 18.
פְּלִשְׁתִּים Libe-
rators, פְּלִשְׁתִּים
כְּרִיתִים Exci-
sors, כְּרִיתִים
Burgens.
shites and *Cherethites* which were appointed for his Royal
Guard. The Office of the *Peleshites*, as may be presumed
from their names, was to defend and free the innocent ;
But the Office of *Cherethites*, to cut off, and destroy the
guilty.

Mercy and Judgment.

Mercy and Judgment the two Testaments; mount *Sion*, and mount *Sinai*; mount *Gerizim*, and mount *Ebal*; the one for blessing and the other for cursing.

Zecl. 11. 7. *Mercy and Judgment, Zechariah's two staves, Beauty and Bands*, the one to support and comfort, the other to chastise and punish.

Θαυμαστή
ἔμψεϊς τῶ
ἐλέος καὶ κελ-
σως. *Nazian.*

Mercy and Judgment; that admirable pair of Sister virtues; which are as benign, and propitious to a good Ruler; as *Castor* and *Pollux* (those twin-brother Stars) are feigned to be to a fearfull Mariner: who when they appear together, betoken a speedy and prosperous voyage; but when they come single, portend nothing but storms and loss: so *Mercy and Judgment*, when they go hand in hand together, betoken a good and happy government: for when *Mercy and truth meet together*, then *Righteousness and peace kiss each other*. But where they are alone, or single; either only *Mercy*, or only *Judgment*; there is nothing but confusion and mischief.

Mercy without *Judgment* is חסד indeed; but in the second or worse signification, that is reproach or injury; or (if you will) foolish pity, which destroys more than it saves,
**Sen. de Clem. 2. Omnibus ignoscere, crudelius est quàm nulli. And Judgment*
Lib. 1. c. 2. without Mercy, is no better than inhuman, and brutish cruelty.

The Jews have well observed, that God governs the world by a twofold מידה or propriety, that is to say מידת הרחמים a propriety of *Mercy*, and מידת הדין a propriety of *Judgment*. These God hath joyned together in the Government of the world; and therefore let no man separate them. His government is the best, which *David* was resolved to imitate; and how exact He was in the composition of *Mercy and Judgment*, for the happiness and prosperity of his Kingdom, is sufficiently made known unto us, in holy Writ.

Yet there is one *Nich. Matchiavell*, that *Florentine Politician*, who in his Book *Il Principe*, represents Holy *David*,

as a Tyrant, and compares him with *Philip of Macedon*, who was no better. For which prophane boldness, (amongst other dangerous and immemorable errors) he is (not without cause) censured by *Lorinus*, *Fitz-herbert*, and other Writers. But if I do not mistake the Polititian, he rather acquaints us, what use *Caesar Borgia* made of *David's* failings, to palliate and excuse his monstrous and abominable villanies; than accuseth that good King, of Tyranny or Misgovernment.

'Tis well known how apt wicked men are to draw the failings of God's children into example and practise, but they will not imitate them in their repentance. *Peccavit* Ambr. Apol.
David quod solent Reges, sed penitentiam gessit, fleuit, David. Lib. 1. c. 4.
quod non solent Reges, &c. If *David* sinned like a King, he also repented like a King. Great crimes require great contrition, a troubled spirit, a broken heart, which holy *David* is most remarkable for; witness *Psalm 51*; which he composed that it might remain a public and perpetual testimony of his true, and unfeigned repentance.

And let all the *Caesars* of the world make what use they can of his Errors, he hath set them here such a pattern of good, and wise Government; that did they (or could they) but imitate him, they would not be *Borgias*, i. e. Tyrants.

As for these words of the Text, *Mercy and Judgment*, they must neither be divided, nor separated, as you have heard. I shall therefore only treat of them, as the harmonious parts of King *David's* Government; and a most proper subject for this occasion.

First of *Mercy*, which indeed deserves the first place; because there is no virtue more noble, or more becoming the nature of Man, than *Mercy*; ^a neither doth he resemble God himself, in any thing more, than by shewing *Mercy*, and pity. ^b *Be ye mercifull as your heavenly Father also is mercifull.*

^a *Nec ulli repropius homines ad Deum accedunt quam salute hominibus danda. Cic. pro Ligar.*
^b *Luk. 6.36.*
 God

Pfal. 145. 9. *God is good unto all, and his tender Mercies are over all his works: Now Judgment is one of them; though it be his strange work, and his strange act, as the Prophet Isaiah emphatically notes. By which we may observe, that Judgment is opus alienum à naturâ suâ, a work not agreeable with his nature; that he doth not afflict willingly, nor grieve the children of men.* And therefore Mercy *κατακλυχάται καὶ εὐφραίνεται*, rejoiceth over Judgment, like a conquerour; leads Judgment captive, which follows her triumphant Chariot, bound with Adamantine Chains, disarm'd both of Lance, and Sword.

As Mercy hath the preheminance, the first and chiefest place, amongst the works, and attributes of God; so ought it to have the first, and chiefest place, in the nature, and actions of men; Especially in the great affairs and concerns of the chief Magistrate, who is God's Representative. He (if any) should be plenteous in Mercy; by which he will not only gain, but force the love and obedience of his subjects; and not so much rule over them, as in them, that is, in their hearts; ^a and they will not so much fear him, as fear for him; and be in pain, least some unhappy mischief or disaster should snatch him away from their Government. For what Loyal subject, would not much rather spend his dearest blood and life; than that his mercifull and gracious Prince should be in danger, or miscarry? Further, by Mercy he obtains true honour, and glory; and provides for his own safety, and the security of his people.

Mercy was accounted a Goddess at Athens, had her altar and image; challenged the knee, (as dedicated unto her) which she vouchsafed her suppliants to touch. ^b And there it was accounted as great sacrilege, to take Mercy from humane nature; as to steal an Altar from the Temple.

It was therefore a strange ill natured principle, or paradox of the Stoics; ^c who taught *Ἐλεήμονας μὴ εἶναι σοφούς*, that mercifull men were fools; that it is difficult to be mercifull and

^a Τὸς ἁγίους
φοβέσθαι μὴ
αὐτὸν ἀλλ'
ὑπὲρ αὐτοῦ.
Biss.

^b Οὐτε ἔτι ἱερὸς
βωμόν, ἢ ἐκ
ἀνθρώπων
φύσεως ἀφαί-
ρετόν τὸν ἔ-
λεον. Phocion.
^c Diog. Laert.
Zeno. Καλε-
πὸν ἄμα ἔλε-
ειν καὶ φρονεῖν.
ibid.

and wise; ^a that Mercy is but the imperfection of a weak mind. They grant indeed, that it is the part of a wise man to succour and relieve the necessities and indigencies of those who are in want; but at no hand to pity them, because (forsooth) he must not suffer any perturbation, or trouble in his affections. But Cicero informs us that Philosophers of more moderate principles, than the Stoics were, and as wise, did acknowledge, a good man should be both mercifull and gracious; and that he who is without pity and compassion, deserves not the name of a man, but a Monster; and is no better than some wild, or ravenous Brute. However, Stoicism must not be the Rule or Measure of Christianity; nor are we to learn, or judge of Mercy, from ^b Zeno's Porch, but from ^b Christ's School. A Christian without Bowels is a contradiction in the Adject. † We are commanded to put on bowels of mercy, these we are to put on, and wear, as our richest robes, and ornaments. Our Blessed Saviour took our nature upon him, that he might be sensible of our infirmities, and a compassionate Mediator. How mercifull he was when he espoused our misery, and satisfied for our sins; is beyond all example, or imitation. Yet he hath left us a Precept and Pattern, which we should diligently express, and follow; and hath assured us, that if we be mercifull we shall obtain mercy; but he shall have judgment without mercy who shewed no mercy.

This word ^c ἰσχυρὸς signifies both piety, and pity. Mercy which consists of both, is a sacred affection and compassion of the soul, whereby we are moved to do good: Or else it may be defined, ^c λύπη τις ἐπὶ ἀναξίως Clem. Alex. ^c καὶ πένθος, a sorrow for a person who suffers wrongfully: ^c suffering innocency is the proper object of mercy; for no man pities a Traitor, or Murderer, when he is deservedly punished.

^c ἀναξίως τυγχάνειν. Arist. Rhet. Lib. 2. c. 10.

C

Saint

^a Neminem
misericordem
esse nisi stultum & levem.
Cic pro Mur.

^b Illud sath est
ad coarguendam
dominis
errorem quod
inter vitia &
morbos misericordiam posuit. Lact.
Inst. Lib. 3.
c. 22.

Matth. 5. 7.

Jam. 2. 12.

Strom. 2.

Εἰς τὴν

ἀλυσιν

τῶν ἐν τῷ

καρπῷ καὶ

τῷ λυτῷ τῷ

De Civit.
Dei. Lib. 9.
Cap. 5.
Misericordia
est agnoscendo
ex miseria al-
terius, injuria
laborantis.
Cic. Tus. 4.

Saint *August.* thus defines it. *Misericordia est alienae miseria in corde nostro compassio.* Mercy is that compassion, we have in our hearts for another's misery.

Thus have we briefly seen the nature of this excellent virtue, described unto us; and are informed how it softens and calms our spirits, and tempers them, to a compassionate sense and feeling of our brethrens misery.

But as *mercy* respects the publick, and is concern'd with the great affaires of the supreme Magistrate in his Government, so it exerts and shews it self in these following particulars.

I. First in constituting, and making, good and wholsom Laws.

Nothing is more necessary in the world than good Laws. They are the inheritance of God's people. *Moses* commanded a law, the inheritance, or possession of the congregation of *Jacob*. An inheritance is that which men commonly much esteem and value; and so they should good Laws. Now if the Law be our inheritance? then as good no inheritance as no Law: For what will our inheritance profit us, when there is no Law to secure us in the possession of it?

Mercy was the first, and best Law-maker; for the Law of nature, antecedent to all positive Laws, was made by *mercy*; and then *justice* and *judgment* followed, as necessary, for the due execution of that Law.

The design of *mercy* in making Laws, is the common good of mankind; not only to defend the bodies and estates of men, from destruction, plunder and violence, but their minds and souls from ignorance, errour, atheism, evill customs, debaucheries, and all prophaneſs. *Mercy's* Law, will teach the ignorant; reduce the erroneous; admonish the negligent; quicken the remiss, and slow; resolve the doubtfull, and scrupulous; strengthen the weak; and confirm the strong.

Then

Mercy and Judgment.

11

Then is a Magistrate mercifull, when he enacts good Laws, for the maintenance of true Religion and virtue; *when he honours them who honour God, and whom God will honour*; when he provides, and allows of such means and helps, as are necessary for the encrease, and encouragement, of faithfull and able men, to do him service both in Church and State. This *mercy* will certainly, support, and establish his Throne, make his Government prosperous, and preserve his people in peace and safety.

Secondly, *Mercy* takes care that her Laws be but few, or (at most) not too many.

Laws are the Medicines of a State; the fewer, and simpler (I mean without mixture) such medicines are, the better. There is much danger (you know) *in too much Physic*, and so there is *in too many Laws*. The whole Moral-law is contained in Ten Precepts; and those Ten are by our Saviour reduced to Two; ^a *the love of God, and the love of our Neighbour*. Zaleucus the Locrian Lawgiver (as Strabo ^{37, 38.} writes) made but few laws; which his successors (either by too much subtilty, or folly,) augmented to such a multitude, *that they became more numerous than good*; so many, that they could not be read; and so obscure, that they could not be understood.

^a Such a superfoetation of Laws is an evident sign of some ^{Corruptissimâ} corrupt distempers and manners in the body politic. Too ^{Repub. plurima Leges.} many Laws, beget too many Sutes, Actions, Pleadings; Tac. An. 4. with much strife, debate, contention. For what Cause ^{Παρ' οὐδ' αὐτῶν} can be so clear, and good; which may not be obscured, ^{σοι νόμοι καὶ} and baffled by the clashing, and interfering of divers ^{δίκαια, καὶ} Laws? ^{νόμοι καὶ}

This made Tacitus complain, that whereas Rome (not ^{ut olim flagitiis, sic nunc} long before his time) *did abound with many wicked and detestable vices*; it was then pestered with more ^{Legibus laborari.} mischievous and unnecessary Laws; which proved a remedy far worse than the disease. Therefore the Magistrate

Mercy and Judgment.

should be advised to take care, least his Government which is established by Laws, be not overthrown, by their unreasonable number, or multitude.

Thirdly, *Mercy* endeavours to cut off, and shorten all tedious long-delayed Sutes, and Pleadings. These are the reproaches of all Laws. *Short injustice is better than long justice*, saith the *Persian Proverb*. And a poor Client is more injured by the subtil delays, and falshood of a perfidious Advocate; than by the oppression, or malice of his cruel Adversary. There is nothing now more common than to spin out Causes, and to frustrate the just proceedings of the Law; but all such delays are no better than *Concessum latrocinium*. And I pray, which are the worst cheeves? Those that rob a Traveller by the King's high-way? Or they who pervert the Cause of their Clients before the Judge; and pick their pockets at the King's Bar and Tribunal?

Fourthly, *Mercy* designs, by her Laws to defend, and relieve the oppressed; to vindicate the righteous innocent person, from the power, and malice of his unjust Adversary. By the wise care and providence of Almighty God; *Mercy* has not wanted in all ages, some excellent *Oratours* and *Advocates* to plead and defend the Cause of her innocent Clients. How famous were both *Athens* and *Rome*, for such Oracles of Law and Justice?

And still *mercy* takes care, and endeavours (especially in all Christian States) that her Magistrates, and Judges; should be men of ability and truth, *fearing God and hating Covetousness*. Her *Patrons* and *Advocates*, men of honour and integrity, as well as Learning and Eloquence. That her *Witnesses* be of known fidelity and justice; without all suspicion of malice, envy, or partiality: for *an ungodly witness scorneth judgment*: That her *Furies* be discreet, mercifull men; well instructed, and skilfull in the Laws; and not made up of such, as can hardly

Exod. 18. 21.

Prov. 19. 28.

hardly tell the difference, or meaning of these two words, Plaintiff and Defendant. If the Cause of a persecuted innocent, be not examined, and determined by such worthy and judicious Patriots, men so well qualified, and disposed as these; it may soon miscarry.

But the God of *mercy* be thanked; neither *Athens* nor *Rome* in the height of all their flourish; could boast of more able, generous, upright, and eloquent, Judges, Orators, and Lawyers; than our Nation doth at this present enjoy: who can, and do daily snatch the innocent Prey, from the devouring jaws of a powerfull Adversary, and may they still long be continued unto us.

Fifthly, *Mercy* will (if need be) mitigate the rigor, of some severe, yet necessary, laws; 'Tis reason that in some particular cases, the Law should be severe; *because* 1 Tim. 1. 9. *it was not made for the righteous man, but for the lawless* 10, &c. *and disobedient, for the ungodly and for sinners, for unholy and prophane, for murderers of fathers, and murderers of mothers, for manslayers, and such like, as the Apostle there further mentions.* Now what man can deny but that such Offenders, as these should suffer condigne punishment? Or what *ἐπιείκεια*, can be hoped for, by such lawless Criminals? Yet because that *ἀπαρξὸς δικαίου*, or *summum jus*, that extremity, or rigor of the Law, is not always necessary, no, nor sometimes safe; and because there is no *Tenedia bipennis* in *mercy's* court; therefore *mercy* makes intercession, and deprecates;

First, That the sentence of the Law be not too ^a sodainly executed upon such Malefactors. *Mercy* would have all justice done unto them, before it be done upon them. And though the Law may require speedy execution, yet *mercy* pleads, ^b that the Magistrate in such a business of moment, as the death of a man is, should not fear the blame, of convenient, or reasonable slackness. That although the *bodies* of such Criminals be sentenced, and consigned, to a deser-

אין סודין
כדין
Estote cadi in
judicio Per.
Avoth. c. 1.

^b Nulla unquam de morte hominis cunctatio longa. Juven.

Mercy and Judgment.

ved punishment, yet some care ought to be taken for their *souls*; and some convenient time allowed them for ghostly advise, and counsel, that so (if possible) they may be brought to a due, and true sense of their sin and misery; and receive that charitable Office, which the Church has appointed for persons in their condition.

Secondly, *Mercy* mediates, that the sentence of condemnation may be mitigated, as to the kind, or manner of death which the Malefactor is to suffer. And it is some *mercy* if it be neither so painfull, or shamefull, as the Malefactor deserves. Thus *mercy* would mitigate the rigor of some severe, yet necessary Laws.

Lastly, *Mercy* designs not the punishment, but the reformation of Offenders. All penal censures are either

First, For the amendment of such as transgress the Law. Or,

Secondly, For their just satisfaction, and reparation, who are injured. Or,

Thirdly, For a discouraging example to others, lest they fall into the same condemnation.

Lastly, For the peace, and utility of the Nation. Now if all these may be effected without the death of the Malefactor, *mercy* has obtained her desired end.

Therefore *mercy* abhors to be like *Abimelech* in making Bramble, and scratching Laws, to rend and tear the flesh of her subjects; or with *Draco* to write her Laws in blood; or with *Demitian* to weave subtil-poysonous-spider laws, to catch only poor silly flies, (the weaker and more feeble sort of Offenders) and then to stab, and tyrannize over them, like an Emperor: for which noble exploit, he deserved (no doubt) as famous a Triumph at *Rome*; as his predecessor *Caligula* required, for conquering the *Belgic Cockles*. *Mercy* hates the * *Barbarous cruelty* of that bloody Monster, who in punishing his Offenders, would have them so tormented, or handled, *Ut sentirent se mori,*

That

* *Adiages-*
Mar. 8. et.
Calig. c. 30.

Mercy and Judgment.

13

That they might feel their deaths. To delight in such inhumane butcheries, is abominable; and he is no better than *Δημοβόρος βασιλεύς*, a *Cannibal Tyrant*, who either *Hom. Il. α.* acts, or commands them.

'Tis the chief end of *mercy's* Laws to destroy vices, but preserve men. In doing this the Magistrate imitates God himself: *who delights not in the death of a sinner, but rather* *Ezech. 33. 11.* *that he should turn from his wickedness and live.* Therefore *mercy* would incline the Magistrate to a reasonable, judicious Lenity; that so vice may be corrected, but life preserved.

Yet notwithstanding; if after all her indulgence and pity; those *Cuncta prius tentanda*; she finds some Malefactors to be incorrigible and past cure; then

Immedicabile vulnus,

Ovid. Met.

Ense recidendum est, nè pars sinceratrahatur.

Lib. 1.

she compassionately grants they should be cut off; lest the peace, and safety of her innocent favourit's should be endangered.

Which brings me to the second or lowest part of King David's Song, *ששון* And *Judgment*, which I call the *Basso* or ground of his well ordered Government. For though the Song of *Mercy* may be sweet and pleasant, yet there can be no good descant without *Judgment*. This compos'd with *mercy*, makes the harmony of his government compleat, and perfect.

In treating of this part of *David's* Song, I shall briefly present these particulars to your consideration.

First, The meaning, or signification of this word *Judgment*.

Secondly, The great necessity of it, in all Governments.

Thirdly, What is required to the due Administration, or Execution of this *judgment*.

Fourthly, Those great blessings and benefits, which will certainly follow the due Administration, and Execution of it.

First,

First, משפט *Judgment* signifies that Government, Rule, Authority, and Power, with which the suprem Magistrate is invested, or inaugurated. Hence the first Rulers amongst the Jews (next after their Lawgiver Moses and his successour, *Joshuah*) were called ^a שופטים Judges. *Judgment* has it's Thrones, ^b even the thrones of the house of David; now ^c David reigned over all Israel; and executed judgment and justice to all his people. So we read of Messiah the son of David. ^d The Father judgeth no man, but hath committed all judgment to the Son; and hath given him authority to execute judgment, because he is the Son of man. This is called judgment of jurisdiction, that is, that authority by which men are governed.

^a A new from which root, the ancient Punic word *Sufes* the chief Magistrate in Carthage is also derived. *Vof. Etym.*

^b Psal. 122. 5.

^c 2 Sam. 8. 16.

^d St Joh. 5. 22, 27.

^e *Arist. Eth. Lib. 4.*

Psal. 72. 1.

^f *Dr Ham.*

1 Kings 3. 9.

Isa. 28. 5. 6.

Secondly, It signifies that Wisdom and Knowledge by which the Magistrate discerns, and determines that which is just, or unjust. ^e That *בְּנִיחֻן וּפְנִיחֻן* Science, or Skill, not only of making, but interpreting Laws. This is that judgment which David prays for his Son Solomon. Give the king thy judgments O Lord, and thy righteousness to the kings son; that is, ^f O Lord, I beseech thee, to poure out upon Solomon my Son, all the royal virtues, and skill in Government, and all manner of justice and goodness, in the administration of so sublime an Office. And that which Solomon prays for himself. Give thy servant *שִׁמְעַל* an hearing obedient heart, (which from the Chaldee *כַּדְבָּר* our Translation renders an understanding heart) to judge thy people, and to discern between good and bad. This understanding heart is called the spirit of judgment. In that day the Lord shall be for a spirit of judgment to him that sitteth in judgment.

Exod. 21. 1.

Thirdly, It signifies any Law, Decree, or Sanction, which is made by the supreme Magistrate; and which is the rule, and measure of the obedience of his subjects. These are the judgments thou shalt set before them; the Statutes, and Judgments I have commanded my people.

Fourthly,

Fourthly, *Judgment* signifies any judicial cause, controversy, or matter; that is brought before the Magistrate. *Thou shalt not pervert the judgment of the stranger, and the fatherless*, that is, the cause of the stranger and the fatherless. *Cursed is he that perverteth the judgment of the stranger and fatherless: I know the Lord will maintain the judgment of the afflicted* Deut. 24. 17.
Deut. 27. 19.
Psal. 140. 12.
משפט אביני the cause of the poor.

Fifthly, It signifieth that definitive sentence, or award, which the Magistrate passeth upon a matter, or cause so brought before him. *And all Israel heard of the judgment*, i. e. the sentence, which the king had judged; and they feared the king, for they saw that the wisdom of God was in him to do judgment. 1 Kings 3. 28.

Lastly, It signifies the due execution of that sentence so given; whether it be for the rewarding of the just and innocent; or the punishment of the wicked and evil doers. *And whosoever will not do the law of thy God, and the law of the king: let judgment be executed speedily upon him; whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment.* So that under this one word judgment, is contained the whole process of the Law, from the first to the last. Ezra. 7. 26.
Deut. 21. 22.

And we may further observe, that when ever these two words, משפט וצדקה *Judgment* and *Justice*, are joyned together in holy writ; by *Judgment* that part of the Law is understood, whereby notorious Malefactors, are punished: and by *Justice*, that part, by which, the good and innocent, are defended, from the violence and oppression of wicked men; both which are the Office of the Magistrate: and so much for the signification of the word.

The second thing to be considered, is the great necessity of this *Judgment* in all Governments. 2.

Judgment is an act of *Justice*, not onely lawfull, but
D laudable,

laudable, and necessary: For without *judgment* and *justice* there can be no society. These are the bonds of all communities, which knit, and keep the members of the *Body-politic* together; making them obedient, and serviceable to their *Head*: That such as will not be perswaded and allured by the sweet voice of *Mercy*, should be awed and terrified, by the severe and harsher voice of *Judgment*.

Remota justitia quid sunt regna nisi magna latrocinia? S. Aug. de civit. Dei. Lib. 4. c. 4.

Impunity is a great temptation to villany. Without *justice* and *judgment*; what are kingdoms but so many dens of thieves and robbers?

When *Alexander the Great*, had taken a pitifull poor *Pirat*, who was the Master but of one small Ship, or Vessel; and had asked him, why he troubled the *Sea*? The *Pirat*, with an undaunted confidence, answers his question by another, Why he troubled the *World*? And whether it was not as lawfull for him, to rob with his one little Ship; as it was for him to plunder, and spoil the world, with his great Navy? Here indeed lay the difference. He who had but one small Vessel was a *Pirat*; but He who had a great Navy, was a famous *Conquerer*, and a most renowned high and mighty *Monarch*.

Thus small misdeeds and petty *Larcinies*, which are committed by mean or single persons, are taken for capital, and heinous crimes: He that steals a few sheep, horses, or cows, must reckon for them at the Gallows. Poor Rogues must be made examples of; and let them suffer as they have deserved. "But *Prodigious Villanies*, "*Murders, Rapes, Sacking and burning of Cities*; *destroying, and laying wast whole Countries*; *torrents of Christian blood*, spil'd for the bare satisfaction of pride or lust; with all those horrid, unspeakable mischiefs, which are the cursed effects of ambition, war, and cruelty; must lose their names, forsooth, commence virtues, and glorious conquests; and (which is worst of all,) obtain impunity, because abetted by power, and multitude.

If

If Great Alexander was —————

*Terrarum fatale malum, fulmenque quod omnes
Percenteret populos, pariterque & sidus iniquum
Gentibus.*

Lucan. Phars.
10.

*Earth's fatal mischief, lightning dire, which rent
All People, and a Star malevolent*

To Nations—'Tis sadly to be lamented that any king who intitles himself Christian, should account it his honour or glory to imitate *Him*. What a mischievous bloody *Comet*, has for some years struck terour into our Neighbour Nations, threatening them with Ruine and Destruction? God grant we may escape that danger it portends, and in *mercy* to *Christendom* dissipate its fatal influence.

In the mean time. Where is *Judgment*? Where is *Justice*? Alas our Neighbours only know the good of them by their want:

— *Et virgo cade madentes*

Ultima Cælestium terras Astræa reliquit.

Ovid. Met.
Lib. 1.

They look for *judgment*, but behold *oppression*, for *righteousness*, but behold a *cry*. *Judgment* and *Justice* would rid the world of Tyranny, War, and confusion; of the greatest and most powerfull *Theeves* and *Malefactors*; without which neither our Religion, Lives, nor Possessions can be safe.

In brief, *Judgment* and *Justice* are so necessary that (as the Oratour speaks) Malefactors themselves cannot *live* without them; and this benefit they have by them, that they are reserved to a fair-legal-trial; that they are prevented in their wicked courses, and restrained from the commission of more nefarious crimes.

It is not cruelty, but necessity, and right reason, to cut off that member from the body, which would corrupt it.

D 2

Thirdly,

3.

Thirdly, We are to consider *what is required to the due administration of this Judgment.* Which is a copious subject, the very life and soul of Government, about which Politicians have writ whole Volumes. But it may suffice for the present, to acquaint you with three things, which seem to be most requisite, for the exercise of true *Judgment.* 1. *Lawfull Authority.* 2. *Justice and Equity.* 3. *Prudence.*

First, *Lawfull Authority*; Without which all *Judgment* is but mere usurpation; and the execution of a *Malefactor* no better than murder. That *Authority* which makes the law, must execute the law; and as the law cannot be made without *Lawfull Authority*; so neither can it be executed without *Lawfull Authority.* In this case,

^a Matth. 26.

^a *He that takes the sword, shall perish by the sword.*

^{25.}
^b Ro. 12. 19.

^b *Vengeance belongs to God,* and the supreme Magistrate, who is his representative; no man therefore ought to avenge himself, or to usurp the Office of a Judge, without lawfull Authority, or a just deputation from God, or his

§ 1 Pet. 4. 15.

Vicerent. He who thus offends is *ἄλλοτρεοπισήκη*, a busy-body in other mens matters, sinneth both against God and against his neighbour. If he suffer for this bold usurpation, he may thank himself, and remember that

Exod. 2. 14.

sharp reproof, *Who made thee (being but a private man) a ruler and judge over us?*

Secondly, *Justice and equity*, are necessary to the due execution of *judgment*: without which *judgment* is but perverse and corrupt. There have been some, (and still are) *who turn judgment into wormwood and gall---and the fruits of righteousness (that is justice) into Aconite or Hemlock.* This perversion of *judgment* is bitter and deadly.

Amos 5. 7.
6. 12.

Now *judgment* may be perverted either, First by *fear*, Secondly by *covetousness*, Thirdly by *inordinate love and partiality*. Lastly by *hatred*.

Anselmus de
similitud.

First by *fear*, which (as the Authour of the Book of *Wisdom*

Wisdom writeth) is nothing else, but *the betraying of the* Wisd. 17. 12.
succours, which reason offereth; and makes men degenerate
into poor, timorous, false-hearted Animals. A coward
can neither be wise nor just, but will at once condemn
himself, and betray the cause of the innocent. There-
fore the *Magistrate* or *Judge*, must be courageous and stout;
not fearing the faces of men. He is in the place of God, 2 Chron. 192
and judgeth for God, who will defend him; why then
should he be afraid, *of a man that shall die, or of the son of Isa.* 51. 12.
man who shall be made as grass? Fiat justitia, ruat mundus,
the world should sooner be turned into its first Chaos, and
confusion, than a Magistrate or Judge from his courage
and conscience.

Secondly, *by covetousness.* A sordid vice, neither be-
coming the person, nor place of a Judge; he must scorn
a bribe, (*a that wages, or reward, of iniquity*) ^b For a gift 2 Pet. 2. 15.
will blind the eyes of the wise, and pervert the words of the b Deut. 16. 19.
just. The love of money is the root of all evil, which while 1 Tim. 6. 10.
some have coveted after, they have erred from the faith;
and then (by very good consequence) from judgment and
justice, the inseparable companions of faith and a good
conscience.

It is reported to the perpetual shame of *Demosthenes*, by
^a *A. Gellius*, that when he should have pleaded the cause a Noſt. ſit.
of the *Athenians*, against the *Mileſians*, he was *Δωροδότης*, Lib. 11. c. 9.
and took a bribe to hold his peace. He pretended in-
deed some disease or squincy in his throat; and therefore
came muffled into the court; but, (as a witty Greek told
him) it was not *συναίχμη*, but *ἀργυραίχμη*, not the squincy,
but the gold, in his throat, that stoped his mouth. There
was *Bos in lingua*, as the Proverb is. In good earnest,
righteous judgment, and a bribe, will no more agree to-
gether in the same mouth; than *God*, and *Mammon*, in
the same service and worship.

Thirdly, *Judgment* may be perverted, by love and

Leges carent
affectibus.

partiality. Justice is represented unto us in picture, with a veil over her eyes, to signifie that both justice, and judgment, should be administred, without favour or affection. *Exiit personam iudicis, quisquis amicum induit.* So that
^b Levit. 19. a judge must not be *ωρεγωνιστης*, ^b a respecter of the persons of men; either by honouring the persons of the
^c Prov. 18. 5. mighty, or pitying the faces of the poor: because *it is not good to accept the persons of the wicked; or to overthrow the righteous in judgment.* Not good? No, there is a *μεμωρας* in that *עוול* *לע* to teach us that it is *abominable, and pernicious.* God himself complains of it. ^d How long will ye judge unjustly, and accept the persons of the wicked? It seems by this *how long*, that God is wearied and grieved with such kind of judgment. Hence good King Jehoshaphat (according to his name, the Lord Judgeth) thus strictly chargeth his judges. ^e Take heed what ye do, for ye judge not
^{6, 7.} for man, but for the Lord, who is with you in the judgment. ^e Wherefore now let the fear of the Lord be upon you, take heed and do it; for there is no iniquity with the Lord our God, nor respect of persons, nor taking of gifts.

Πασις δ' ὧς
ἡμεῖς ἴσμεν.
Ho. Odyf. β.

Lastly, judgment may be perverted by *hatred.* Now hatred is opposed to that charitable pity, and compassion, which should be in one man towards another; more especially in the chief Magistrate, or his representative the Judge. For he is the head of the body Politic; and who ever hated his own body, or any member of it? He is the Father of his people; and cannot well hate his own children. Hatred is a brutish affection, not only below, but against common humanity. *Timon* surnamed the *Man-hater* was a Prodigy, and a reproach to mankind. Our most gracious God forbids it, ^f *Thou shalt not hate thy brother in thine heart.* Thy brother, that is any man, although he be thine enemy: Thou mayst, nay must, reprove, rebuke, and endeavour to reclaim him, from his evil conversation; and the Magistrate is to correct, and punish him
 for

for his offences; but hate him he must not. *For he who hateth his brother is a murderer; and ye know that no murderer hath eternal life abiding in him.* So much for the second thing required to the due administration of judgment.

John 3: 15.

Thirdly, *Prudence* is necessary for the due administration of judgment; without which it would be rash and unadvised. A Magistrate should be prudent. And very aptly our *English* word *King*, is the same with the *Saxon* *Cynning*, which is knowing or wise. The *Egyptian* Hieroglyphic for legislative power, was *Oculus in Sceptro*, an eye in the top of a Scepter. An eye that could pierce into the most dark and perplex recesses of a cause; that could find out every crooked and blind corner in it. *A king who sitteth in the throne of judgment, scattereth away all evil with his eyes*: that is, no evil or mischief, can lie hid, so cunningly and close in a matter or cause, but his eyes will find it out, and scatter it, as the bright beams of the Sun do fogs and mists. As the King's eyes are quick and piercing to discern what is obscure and intricate; so his lips are Oracles to determin what is lawfull and right. *A divine sentence or oracle is in the lips of a king, and his mouth transgresseth not in judgment.*

Prov. 20. 8.

Prov. 16. 10.

We cannot but take notice of that *sagacity*, *subtily*, and *acuteness* of judgment, which God (in whom are hid all the treasures of wisdom and knowledge) sometimes vouchsafeth unto Kings (whether good or bad) for the determining of such difficult and perplex causes, as are brought before them.

That sentence which wise King *Solomon* gave in the case between the two harlots, is well known. I could produce many more; but shall at present, only mention that famous sentence which another *Solomon* (or *Solyman* the Magnificent) gave in the case, between a poor *Christian* and a cruel *Jew*.

1 Kings c. 3.
Ariopharnes
King of
Thrace. Diod.
Sic. Lib. 20.
Claud. Caesar.
vii. Suet. c. 15.

The

The poor *Christian*, wanting a considerable sum of money; to redeem his son from slavery; came to the *Jew* to borrow it of him, for such a time, and for so much or more interest, than the *Jew* could reasonably require. But no interest would satisfy that hard-hearted extortioner; but so many ounces of the *Christian's* flesh. The *Christian* (in his great necessity) consents, receives the money, redeems his son; and at the set time, brings the *Jew* his *Principle*, but refuseth to pay that unconscionable *biting usury* which the *Jew* demanded. The *Jew* complains to the Emperour *Solyman*, he fourthwith commands the *Christian* to be brought before him; calls for a rasour, and bids the *Jew* to cut off so many ounces of the *Christian's* flesh, as he had bargained with him for; but with all told him that if he cut off one dram more or less than his bargain was, he should certainly die for it.

The *Jew* considering the danger of the sentence, thought it much better to lose his interest than venture his life, and so the *Christian* escaped his cruelty. Thus you see that *prudence* is necessary for the due administration of *judgment*, especially in difficult, and intricate matters.

4. Fourthly, We are to consider those *great blessings and benefits which will both accompany and follow the due administration and execution of this judgment*. Blessings so many, great, and desirable, that they can neither be numbered nor expressed. For whatsoever blessings either piety, or truth, or peace, or liberty, or innocency, or wisdom and knowledge, or good government, and good laws, can bestow upon a Nation, are all the happy effects of *judgment*.

Judgment advanceth piety; preserveth truth; procures and settleth peace and safety; boundeth, and fixeth prerogative and privilege; asserts, and vindicates our just liberty, and property; protects innocency; encourageth study, and learning; executes good laws; secures

our

our persons from violence, and our estates from plunder. In fine ^a *judgment establisheth the land*, and defends it ^a Prov. 19. 4. against all forrain invasion, all intestine conspiracy, and rebellion. Or if you would have more, The due execution of *judgment* and *justice*, will divert God's *judgments* from us. ^b *Phineas* stood up and executed *judgment*, and ^c Psal. 106. the plague was stayed. 30.

If *judgment* had been executed in the streets of *Jerusalem*; God would have spared that City. So that if either we would obtain *mercies*, or remove *judgments*; the next, and best way is, that the Supreme Magistrate, and all who are put in authority under him, do truly and indifferently administer *judgment* and *justice*, to the punishment of wickedness and vice; and to the maintenance of God's true Religion and virtue.

I shall conclude, with a few notes, or points; which I have observed to be most agreeable with, and consonant to this Song of *Mercy and Judgment*.

I.

First, This right way of Government, namely, *The due administration, or execution of laws, in mercy and judgment; is a most fit and proper study, and meditation, for all Kings and Magistrates.* David here sings of *mercy and judgment*. But the Hebrew word *אשר* is from *שור* which doth not only signifie to *sing*, but also to *meditate*, *mind*, and be intent upon a matter. So that David studies and meditates, and is intent upon the laws of his Government.

It was God's command that the King, who was to be set over his people, *should write for himself a copy of his law in a book, and that he should read in it all the days of his life, that he might learn to fear the Lord his God.* Thus to study and meditate upon the laws of God and the laws of his own Government; should be the chiefest care and exercise of every good Magistrate.

Hence Kings are call'd *Διχασφόλοι*, that is such as are Hom. II. 2.

E

conversant

Mercy and Judgment.

conversant and well versed in laws : A Magistrate may well be ignorant of some Arts and Sciences, which are less necessary for his Government ; but by no means of those laws, by which he is to Govern his people.

2.

Secondly, I observe, that *Monarchy* (the first, and best of Governments in the world) whereby *Magistracy* is preserved in its original power and dignity ; and good laws are enacted, and executed by mercy and judgment ; is from God. This is clear from the Text ; *I will sing of mercy and judgment.* Here *David* as a *Monarch* sings, that is studies, meditates, and is intent upon *mercy* and *judgment*, as the proper business and employment of his Government. And then he adds *לְהַלֵּל אֱלֹהֶיךָ יְיָ אֱמִינוּ* unto thee O Lord will I sing a Psalm of praise and thanksgiving ; who hast not only exalted me to the Throne and Scepter of *Judah* ; but hast also taught me, the best way of Ruling thy people, by *mercy* and *judgment*.

Thus many both *Jews* and *Christians* interpret this verse, as being most consonant to, and agreeable with the scope of the *Psalm*.

Monarchy then is from God, and not from the people ; as those two grand factions, of *Popery*, and *Presbytery*, would persuade their *Profelytes*. The one to exalt the *Pope* above all that is called God ; and the other to magnifie themselves. And we may observe, that how contrary soever, those two factions are in other respects ; yet they both agree in opposing the true original and power of the supreme Magistrate.

Thus, that our *Blessed Saviour* might be crucified, *Pilate* and *Herod* were made friends ; and that *Monarchy* may be suppress'd, or dethron'd ; these *Pilats* and *Herods*, *Popes* and *Presbyterians*, *Romans* and *Jews*, (as fitly match'd and pair'd as can be) *Bitrus cum Bachio* ; joyn hands and are agreed. I need not tell you what their designs and practises have been or are, because they are
of

of every days remembrance. If nothing had been said, writ, or printed of what they have done, or this Nation hath suffered; yet those wounds and scars which their swords have made both in Church and State, are still so visible, that he who runs may read them.

Certainly it must needs be something very excellent or divine which these men hate and persecute. So indeed it is; no less than *Sacrosancta Regum Majestas*, the sacred Majesty of Kings; which is acknowledged, by the ^a *Scriptures*, by ^b *Christian Apologists, Fathers, Councils*, nay even ^c *Heathen writers*, to have a divine character, or stamp set upon it, which was never prophaned nor vilified in the world, untill *Pope Hildebrand*, or *Gregory the seventh*, sat down in that infallible chair, of the scornfull, and disobedient.

^a P. ov. 8. 15.
^b Dan. 4. 25.
^c Rom. 13. 1.
^d Just. Mart.
^e Tertul. Iren.
^f Hom. Hesiod.
^g Eurip. Plat.

This sacred Majesty of Kings is a Chase, or prey, fit for these *Nimrods* to hunt after and destroy; because they know that Monarchy is the best safeguard to mankind, both against the great *ferocious Bulls* of Tyrannical *Popery*, and the lesser *giddy cattle* of Schismatical *Presbytery*.

Kings are, by the Poet, truly called *Διοσπετέες*, which ^a *Hom. Il.* very well agrees, with that of our Royal Prophet, ^b *Sons of the Most High*. And yet there are some other *Diotrephes* (not Sons of the Most High, but sons of earth) who (as Saint ^c *John* writes of them) are *φιλόδοτοι*, ^d *lovers of supremacy*. These proud ones kick at Monarchy; set their cloven feet upon the necks of Kings and Emperours: Whose sacred Persons (in ordine ad spiritualia, that is, for the advancing of spiritual wickedness, and the Kingdom of *Antichrist*) they most impiously censure, excommunicate, depose and murder, which is most abominable down-right Sacrilege; and the cause of the greatest mischiefs and villanies that have been committed hitherto in the Christian world; and God only knows what further

^a Hom. Il.
^b Ps. 45.
^c 1st Jⁿ. 2.
^d Psal. 82. 6.
^e Epist. 3. 9.

ther troubles and dangers these *Pests* may bring upon us;

3. Thirdly, I observe *That mercy and judgment* that is, ^a *the power of life and death, doth of right belong to the supreme Christian Magistrate, as well as to the Jewish, or Heathen.* This truth we maintain against a generation of unreasonable men; who have the face and confidence to affirm, that it is not ^b lawfull for a *Christian* to be a Magistrate, a King, or Prince; or to have the power of the sword. That *Christians* should have no Courts of Judicature, no Laws, Statutes, Pleadings; and that it is not lawfull for them to take an Oath. ^c As though that which is necessary to the well being of mankind, was not as lawfull for *Christians*, as for *Jews* or *Heathens*.

^a *Lex Christi
neminem pri-
vat jure domi-
nioque suo.*

^b *Pont. cont.
Har.
Sleid. Com.
Lib. 10.*

^c *Non eripit
mortalia qui
regna dat ca-
lestia.*

I would ask these grand *Politicians*, by what law are *Christians* exempt, from Governing, or being governed! Let them tell us if they can. This I am sure of, that *Power* and *Jurisdiction*, are founded upon the *Law of Nature*, for the benefit of mankind; as may be proved, by a plain or manifest induction.

No man can live happily without the help of others in society; no society can stand, without some Laws or Government; no Laws or Government can subsist without Power to defend them, to reward the good; and punish evill doers. And we are taught that the Magistrate beareth not the sword *in vain*, or not without warrant or divine commission: for he is *Gods Minister, a revenger to execute wrath, upon him that doeth evil.*

Rom. 13. 4.

Those then (whosoever they be) whether in the number of *Libertines*, or *Anabaptists*, or any other Name, or *Sect*; who deny the *Christian Magistrate*, his just power and right to defend himself, his laws, and people, from contempt and violence; do in effect destroy all Christian societies; and would introduce *Anarchy* and *Confusion* both into Church and State. To these, I shall only mention that of Saint *Peter*; *Whilst they promise men liberty, they*

2. Pet. 2. 19.

they themselves are the servants of corruption or perdition.

Fourthly, I observe that the due administration, or execution of laws in mercy and judgment, is of great concern to a Nation, and especially to be regarded by the Magistrate. For he who justifies, that is, acquits the wicked, and he who condemns the just, are both of them abomination. God by his Prophets denounceth woe against them, who justify the wicked for reward, and take away the righteousness of the righteous from him. Who render those tribunals, from whence men expect a relief for their injuries, the seats of violence and oppression.

4.

Prov. 17. 15.

Deut. 27. 15.

Iſa. 5. 23.

10. 1.

Mic. 2. 1.

Hab. 2. 12.

Fifthly, I observe, that judgment, or the executing of such deserved penalties as the law requireth, upon the transgressors of it; is not persecution as our phanatical Schismatics would make the world believe.

5.

Our present divisions, and dissensions, are still (God knows) very sad and great, our souls (as the Psalmist complains) are amongst Lyons; and we lie in the midst of the sons of men, who are ^a Bouteſeus; and Incendiaries; whose teeth are spears and arrows, and their tongues sharp swords: who speak evil of Dignities; reproach and slander the footsteps of Gods Anointed; hate and persecute that very Government, and those laws, by which they live in peace and plenty. With these our Ecclesiastical laws, are Antichristian; and our Civil laws, Tyrannical. If the Magistrate deal mercifull with them; they will tell you, they are not beholding to him; because it is God, who restraineth his power, that he should not touch the Saints. But if the law have its due course against them; then they cry out *Persecution, Persecution*. These are they, *Qui nec remedium ferre possunt nec morbum*: Whom neither mercy nor judgment will reclaim.

Pſal. 57. 4, 5.

צְהַרְבֵּי אֱלֹהִים

Jude 8.

Pſal. 89. 51.

May not we very reasonably suspect, what it is they would be at? Or can we so soon forget what we have felt, and still have just cause to fear?

Pſal. 11. 3.

Mercy and Judgment.

destroyed, what can the *Righteous* do? That is, if our *Government* and *Governours*, if our *Religion*, *Laws* and *Peace*, (which are the *Foundations* of our *Nation*) be destroyed? What can the *Church of God* (here planted amongst us) do?

My *Lords*; and you the *Worthies of the Honourable Bench*: It is not only your duty, but your interest, to endeavour the preservation, of these *Foundations* unto us. For in their safety and peace, ye shall have comfort and peace; and obtain that respect and honour, which your *Piety*, *Wisdom*, *Justice* and *Care*, have merited both from our *Church* and *State*. For this you shall be called the repairers of our breaches, and the restorers of peaceable paths for us to dwell in. And may the *God of Mercy* and *Judgment* still prosper this good work under your hands, O let him prosper this your handy work.

Isa. 58. 12.

Lastly, I observe: That under a *Government* so well composed, and settled; where *Laws* are *Enacted*, and executed by *mercy* and *judgment*; there the people are happy; and have good cause of rejoicing and praising *God*, for that *mercy* and *judgment* by which they are Governed.

And if ever Nation had cause to rejoyce for such happiness, or to sing of *mercy* and *judgment*, we now have.

Psal. 126. 4.

Our gracious *God* hath been pleased (even beyond our hopes) to loose the bands, and break the yoke of that *Rebellious Tyranny* and *oppression*, under which our *Church* and *State* (not long since) so miserably groaned. He hath turned our captivity as the rivers in the south: and refreshed us with the delightfull streams of peace and justice. He hath restored our gracious and mercifull King unto us. ^a He hath given our *Judges* as at first, and our *Connseillers* as the beginning, and we no longer dwell

^a Isa. 1. 16.

^b Psal. 137. 4.

^b in a strange land, where we could not sing the *Lord's song*, even this song of *mercy* and *judgment*.

What now can hinder, but that *judgment* should flow down

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down like waters, and righteousness be as a mighty stream:
Nothing sure: unless our great unthankfulness to God
for these *mercies*; and our disobedience unto our lawfull
Sovereign. O let not our ingratitude or perfidious dis-
loyalty deprive us of these blessings; but let our mouths
be filled with the high praises of God, and our hearts with
duty that we may live worthy of that religious worship,
truth, peace and happiness we enjoy; and never forget
those great deliverances, which he hath vouchsafed unto
his King, and people.

*Oh that men would therefore praise the Lord for his good- Pfal. 107. 31.
ness; and declare the wonders he hath done amongst us. That 32.
they would exalt him in the congregation of the people, and
praise him in the assembly of the elders, ² who remembered us Pfal. 136.
in our low estate and delivered us from our enemies, for his 23. 24.
mercy endureth for ever.*

And let us pray, that no jarring, harsh, untunable, dis-
cord, or division; may ever discompose, that excellent
harmony of Government which we have both in Church
and State; but that this Song, of *Mercy and Judgment*,
may be heard in our Land, from Generation to generation.

Amen.

F I N I S.

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